

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

K.D.,

Plaintiff,

v.

CALIBER CHANGEMAKERS
ACADEMY, *et al.*,

Defendants.

Case No. 2:23-cv-00083-DJC-JDP

ORDER AFTER HEARING

This case was before the court on May 16, 2024, for hearing on plaintiff's motion to compel defendant Caliber Changemaker Academy ("Caliber") to provide further responses to his Requests for Production of Documents and to supplement its initial disclosures. ECF No. 58. Attorney Valerie Rose appeared on behalf of plaintiff. Attorneys Mary Greene and Kristen Rodriguez appeared on behalf of Caliber, and attorney Kristen Caprino appeared on behalf of defendant Vallejo City United School District.

For the reasons state on the record, it is hereby ORDERED that plaintiff's motion to compel, ECF No. 58, is granted in part and denied in part as follows:

1. The motion is granted as plaintiff's Request for Production of Documents Numbers 1-3, 5-7, 9-11, 13, 16-22, 28-40, and 49. By no later than July 26, 2024, Caliber shall produce, without redaction, documents responsive to these requests as detailed at the May 16, 2024

1 hearing.¹


2 2. For any responsive records protected by the Family Educational Rights and Privacy
3 Act (“FERPA”), Caliber shall provide, by no later than June 27, 2024, notice to the individuals to
4 whom the records pertain as required by the Act.²

5 3. To the extent Caliber withholds any responsive documents based on an assertion of
6 privilege, Caliber’s production shall be accompanied by a privilege log.

7 4. The balance of the motion is denied.

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9 IT IS SO ORDERED.

10 Dated: May 30, 2024

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12 JEREMY D. PETERSON
13 UNITED STATES MAGISTRATE JUDGE
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25 ¹ If appropriate, Caliber may produce documents pursuant to the July 28, 2023 protective
26 order. *See* ECF No. 34.

27 ² As stated on the record, the court finds that responsive text messages and emails are not
28 covered by FERPA. As for the remaining responsive documents, Caliber shall be responsible for
determining whether each document is protected by FERPA and therefore requires notice to
interested parties prior to production.